

105TH CONGRESS
2D SESSION

H. R. 4060

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 1999, for energy and
4 water development, and for other purposes, namely:

5 TITLE I

6 DEPARTMENT OF DEFENSE—CIVIL

7 DEPARTMENT OF THE ARMY

8 CORPS OF ENGINEERS—CIVIL

9 The following appropriations shall be expended under
10 the direction of the Secretary of the Army and the super-
11 vision of the Chief of Engineers for authorized civil func-
12 tions of the Department of the Army pertaining to rivers
13 and harbors, flood control, beach erosion, and related pur-
14 poses.

15 GENERAL INVESTIGATIONS

16 For expenses necessary for the collection and study
17 of basic information pertaining to river and harbor, flood
18 control, shore protection, and related projects, restudy of
19 authorized projects, miscellaneous investigations, and,
20 when authorized by laws, surveys and detailed studies and
21 plans and specifications of projects prior to construction,
22 \$162,823,000, to remain available until expended, of
23 which funds are provided for the following projects in the
24 amounts specified:

1 and be nonreimbursable as provided in 43 U.S.C. 377:
2 *Provided*, That no part of any other appropriation in this
3 Act shall be available for activities or functions budgeted
4 as policy and administration expenses.

5 ADMINISTRATIVE PROVISION

6 Appropriations for the Bureau of Reclamation shall
7 be available for purchase of not to exceed six passenger
8 motor vehicles for replacement only.

9 TITLE III

10 DEPARTMENT OF ENERGY

11 ENERGY PROGRAMS

12 ENERGY SUPPLY

13 For expenses of the Department of Energy activities
14 including the purchase, construction and acquisition of
15 plant and capital equipment and other expenses necessary
16 for energy supply, and uranium supply and enrichment ac-
17 tivities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or any facility or for plant or facility acquisition, con-
21 struction, or expansion; and the purchase of not to exceed
22 22 passenger motor vehicles for replacement only,
23 \$882,834,000, of which not to exceed \$3,000 may be used
24 for official reception and representation expenses for
25 transparency activities.

1 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

2 For Department of Energy expenses, including the
3 purchase, construction and acquisition of plant and capital
4 equipment and other expenses necessary for non-defense
5 environmental management activities in carrying out the
6 purposes of the Department of Energy Organization Act
7 (42 U.S.C. 7101 et seq.), including the acquisition or con-
8 demnation of any real property or any facility or for plant
9 or facility acquisition, construction or expansion,
10 \$466,700,000, to remain available until expended.

11 URANIUM ENRICHMENT DECONTAMINATION AND
12 DECOMMISSIONING FUND

13 For necessary expenses in carrying out uranium en-
14 richment facility decontamination and decommissioning,
15 remedial actions and other activities of title II of the
16 Atomic Energy Act of 1954 and title X, subtitle A of the
17 Energy Policy Act of 1992, \$225,000,000, to be derived
18 from the Fund, to remain available until expended: *Pro-*
19 *vided*, That \$30,000,000 of amounts derived from the
20 Fund for such expenses shall be available in accordance
21 with title X, subtitle A, of the Energy Policy Act of 1992.

22 SCIENCE

23 For expenses of the Department of Energy activities
24 including the purchase, construction and acquisition of
25 plant and capital equipment and other expenses necessary

1 for science activities in carrying out the purposes of the
2 Department of Energy Organization Act (42 U.S.C. 7101
3 et seq.), including the acquisition or condemnation of any
4 real property or facility or for plant or facility acquisition,
5 construction, or expansion, and purchase of not to exceed
6 5 passenger motor vehicles for replacement only,
7 \$2,399,500,000, to remain available until expended: *Pro-*
8 *vided*, That in addition, \$7,600,000 of the unobligated bal-
9 ances originally available for Superconducting Super
10 Collider termination activities shall be made available for
11 other activities under this heading.

12 NUCLEAR WASTE DISPOSAL FUND

13 For nuclear waste disposal activities to carry out the
14 purposes of Public Law 97–425, as amended, including
15 the acquisition of real property or facility construction or
16 expansion, \$160,000,000, to remain available until ex-
17 pended, to be derived from the Nuclear Waste Fund: *Pro-*
18 *vided*, That none of the funds provided herein shall be dis-
19 tributed to the State of Nevada or affected units of local
20 government (as defined by Public Law 97–425) by direct
21 payment, grant, or other means, for financial assistance
22 under section 116 of the Nuclear Waste Policy Act of
23 1982, as amended: *Provided further*, That the foregoing
24 proviso shall not apply to payments in lieu of taxes under

1 section 116(c)(3)(A) of the Nuclear Waste Policy Act of
2 1982, as amended.

3 DEPARTMENTAL ADMINISTRATION

4 For salaries and expenses of the Department of En-
5 ergy necessary for departmental administration in carry-
6 ing out the purposes of the Department of Energy Organi-
7 zation Act (42 U.S.C. 7101 et seq.), including the hire
8 of passenger motor vehicles and official reception and rep-
9 resentation expenses (not to exceed \$5,000),
10 \$175,365,000, to remain available until expended, plus
11 such additional amounts as necessary to cover increases
12 in the estimated amount of cost of work for others not-
13 withstanding the provisions of the Anti-Deficiency Act (31
14 U.S.C. 1511 et seq.): *Provided*, That such increases in
15 cost of work are offset by revenue increases of the same
16 or greater amount, to remain available until expended:
17 *Provided further*, That moneys received by the Department
18 for miscellaneous revenues estimated to total
19 \$136,530,000 in fiscal year 1999 may be retained and
20 used for operating expenses within this account, and may
21 remain available until expended, as authorized by section
22 201 of Public Law 95–238, notwithstanding the provisions
23 of 31 U.S.C. 3302: *Provided further*, That the sum herein
24 appropriated shall be reduced by the amount of mis-
25 cellaneous revenues received during fiscal year 1999 so as

1 to result in a final fiscal year 1999 appropriation from
2 the General Fund estimated at not more than
3 \$38,835,000.

4 OFFICE OF THE INSPECTOR GENERAL

5 For necessary expenses of the Office of the Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$14,500,000, to remain
8 available until expended.

9 ATOMIC ENERGY DEFENSE ACTIVITIES

10 WEAPONS ACTIVITIES

11 For Department of Energy expenses, including the
12 purchase, construction and acquisition of plant and capital
13 equipment and other incidental expenses necessary for
14 atomic energy defense weapons activities in carrying out
15 the purposes of the Department of Energy Organization
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or
17 condemnation of any real property or any facility or for
18 plant or facility acquisition, construction, or expansion;
19 the purchase of not to exceed one fixed wing aircraft; and
20 the purchase of passenger motor vehicles (not to exceed
21 32 for replacement only, and one bus), \$4,142,100,000,
22 to remain available until expended.

1 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
2 MANAGEMENT

3 For Department of Energy expenses, including the
4 purchase, construction and acquisition of plant and capital
5 equipment and other expenses necessary for atomic energy
6 defense environmental restoration and waste management
7 activities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or any facility or for plant or facility acquisition, con-
11 struction, or expansion; and the purchase of passenger
12 motor vehicles (not to exceed 3 new sedans and 6 for re-
13 placement only, of which 3 are sedans, 2 are buses, and
14 1 is an ambulance), \$4,358,554,000, to remain available
15 until expended.

16 DEFENSE FACILITIES CLOSURE PROJECTS

17 For expenses of the Department of Energy to acceler-
18 ate the closure of defense environmental management
19 sites, including the purchase, construction and acquisition
20 of plant and capital equipment and other necessary ex-
21 penses, \$1,038,240,000, to remain available until ex-
22 pended.

1 DEFENSE ENVIRONMENTAL MANAGEMENT

2 PRIVATIZATION

3 For Department of Energy expenses for privatization
4 projects necessary for atomic energy defense environ-
5 mental management activities authorized by the Depart-
6 ment of Energy Organization Act (42 U.S.C. 7101 et
7 seq.), \$286,857,000, to remain available until expended.

8 OTHER DEFENSE ACTIVITIES

9 For Department of Energy expenses, including the
10 purchase, construction and acquisition of plant and capital
11 equipment and other expenses necessary for atomic energy
12 defense, other defense activities, in carrying out the pur-
13 poses of the Department of Energy Organization Act (42
14 U.S.C. 7101 et seq.), including the acquisition or con-
15 demnation of any real property or any facility or for plant
16 or facility acquisition, construction, or expansion,
17 \$1,761,260,000, to remain available until expended.

18 DEFENSE NUCLEAR WASTE DISPOSAL

19 For nuclear waste disposal activities to carry out the
20 purposes of Public Law 97–425, as amended, including
21 the acquisition of real property or facility construction or
22 expansion, \$190,000,000, to remain available until ex-
23 pended.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

3 Expenditures from the Bonneville Power Administra-
4 tion Fund, established pursuant to Public Law 93-454,
5 are approved for official reception and representation ex-
6 penses in an amount not to exceed \$1,500.

7 During fiscal year 1999, no new direct loan obliga-
8 tions may be made.

9 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
10 ADMINISTRATION

11 For necessary expenses of operation and maintenance
12 of power transmission facilities and of marketing electric
13 power and energy pursuant to the provisions of section
14 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
15 applied to the southeastern power area, \$8,500,000, to re-
16 main available until expended; in addition, notwithstand-
17 ing 31 U.S.C. 3302, not to exceed \$28,000,000 in reim-
18 bursements, of which \$20,000,000 is for transmission
19 wheeling and ancillary services and \$8,000,000 is for
20 power purchases at the Richard B. Russell Project, to re-
21 main available until expended.

22 OPERATION AND MAINTENANCE, SOUTHWESTERN
23 POWER ADMINISTRATION

24 For necessary expenses of operation and maintenance
25 of power transmission facilities and of marketing electric

1 power and energy, and for construction and acquisition of
2 transmission lines, substations and appurtenant facilities,
3 and for administrative expenses, including official recep-
4 tion and representation expenses in an amount not to ex-
5 ceed \$1,500 in carrying out the provisions of section 5
6 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
7 applied to the southwestern power area, \$24,710,000, to
8 remain available until expended; in addition, notwith-
9 standing the provisions of 31 U.S.C. 3302, not to exceed
10 \$4,200,000 in reimbursements, to remain available until
11 expended.

12 CONSTRUCTION, REHABILITATION, OPERATION AND
13 MAINTENANCE, WESTERN AREA POWER ADMINIS-
14 TRATION

15 For carrying out the functions authorized by title III,
16 section 302(a)(1)(E) of the Act of August 4, 1977 (42
17 U.S.C. 7152), and other related activities including con-
18 servation and renewable resources programs as author-
19 ized, including official reception and representation ex-
20 penses in an amount not to exceed \$1,500, \$205,000,000,
21 to remain available until expended, of which \$195,787,000
22 shall be derived from the Department of the Interior Rec-
23 lamation Fund: *Provided*, That of the amount herein ap-
24 propriated, \$5,036,000 is for deposit into the Utah Rec-
25 lamation Mitigation and Conservation Account pursuant

1 to title IV of the Reclamation Projects Authorization and
2 Adjustment Act of 1992.

3 FALCON AND AMISTAD OPERATING AND MAINTENANCE
4 FUND

5 For operation, maintenance, and emergency costs for
6 the hydroelectric facilities at the Falcon and Amistad
7 Dams, \$970,000, to remain available until expended, and
8 to be derived from the Falcon and Amistad Operating and
9 Maintenance Fund of the Western Area Power Adminis-
10 tration, as provided in section 423 of the Foreign Rela-
11 tions Authorization Act, Fiscal Years 1994 and 1995.

12 FEDERAL ENERGY REGULATORY COMMISSION
13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Energy Regu-
15 latory Commission to carry out the provisions of the De-
16 partment of Energy Organization Act (42 U.S.C. 7101 et
17 seq.), including services as authorized by 5 U.S.C. 3109,
18 the hire of passenger motor vehicles, and official reception
19 and representation expenses (not to exceed \$3,000),
20 \$166,500,000, to remain available until expended: *Pro-*
21 *vided*, That notwithstanding any other provision of law,
22 not to exceed \$166,500,000 of revenues from fees and an-
23 nual charges, and other services and collections in fiscal
24 year 1999 shall be retained and used for necessary ex-
25 penses in this account, and shall remain available until

1 expended: *Provided further*, That the sum herein appro-
2 priated from the General Fund shall be reduced as reve-
3 nues are received during fiscal year 1999 so as to result
4 in a final fiscal year 1999 appropriation from the General
5 Fund estimated at not more than \$0.

6 GENERAL PROVISIONS

7 DEPARTMENT OF ENERGY

8 SEC. 301. (a) None of the funds appropriated by this
9 Act or any prior appropriations Act may be used to award
10 a management and operating contract unless such con-
11 tract is awarded using competitive procedures or the Sec-
12 retary of Energy grants, on a case-by-case basis, a waiver
13 to allow for such a deviation. The Secretary may not dele-
14 gate the authority to grant such a waiver.

15 (b) At least 60 days before a contract award, amend-
16 ment, or modification for which the Secretary intends to
17 grant such a waiver, the Secretary shall submit to the
18 Subcommittees on Energy and Water Development of the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate a report notifying the subcommit-
21 tees of the waiver and setting forth the reasons for the
22 waiver.

23 SEC. 302. (a) None of the funds appropriated by this
24 Act or any prior appropriations Act may be used to award,
25 amend, or modify a contract in a manner that deviates

1 from the Federal Acquisition Regulation, unless the Sec-
2 retary of Energy grants, on a case-by-case basis, a waiver
3 to allow for such a deviation. The Secretary may not dele-
4 gate the authority to grant such a waiver.

5 (b) At least 60 days before a contract award, amend-
6 ment, or modification for which the Secretary intends to
7 grant such a waiver, the Secretary shall submit to the
8 Subcommittees on Energy and Water Development of the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate a report notifying the subcommit-
11 tees of the waiver and setting forth the reasons for the
12 waiver.

13 SEC. 303. None of the funds appropriated by this Act
14 or any prior appropriations Act may be used to—

15 (1) develop or implement a workforce restruc-
16 turing plan that covers employees of the Department
17 of Energy; or

18 (2) provide enhanced severance payments or
19 other benefits for employees of the Department of
20 Energy; under section 3161 of the National Defense
21 Authorization Act for Fiscal Year 1993 (Public Law
22 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

23 SEC. 304. None of the funds appropriated by this Act
24 or any prior appropriations Act may be used to augment
25 the \$29,800,000 made available for obligation by this Act

1 for severance payments and other benefits and community
2 assistance grants under section 3161 of the National De-
3 fense Authorization Act for Fiscal Year 1993 (Public Law
4 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

5 SEC. 305. None of the funds appropriated by this Act
6 or any prior appropriations Act may be used to prepare
7 or initiate Requests For Proposals (RFPs) for a program
8 if the program has not been funded by Congress.

9 SEC. 306. (a) Except as provided in subsection (b),
10 none of the funds appropriated by this Act or any prior
11 appropriations Act may be used by any program, project,
12 or activity of the Department of Energy to produce or pro-
13 vide articles or services for the purpose of selling the arti-
14 cles or services to a person outside the Federal Govern-
15 ment, unless the Secretary of Energy determines that the
16 articles or services are not available from a commercial
17 source in the United States.

18 (b) Subsection (a) does not apply to the transmission
19 and sale of electricity by any Federal power marketing ad-
20 ministration.

21 (TRANSFERS OF UNEXPENDED BALANCES)

22 SEC. 307. The unexpended balances of prior appro-
23 priations provided for activities in this Act may be trans-
24 ferred to appropriation accounts for such activities estab-
25 lished pursuant to this title. Balances so transferred may
26 be merged with funds in the applicable established ac-

1 counts and thereafter may be accounted for as one fund
2 for the same time period as originally enacted.

3 WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

4 SEC. 308. None of the funds appropriated by this Act
5 or any prior appropriations Act may be used to provide
6 economic assistance or miscellaneous payments under sec-
7 tion 15 of the Waste Isolation Pilot Plant Land With-
8 drawal Act (Public Law 102-579; 106 Stat. 4777) until
9 the Waste Isolation Pilot Plant commences disposal oper-
10 ations.

11 TITLE IV

12 INDEPENDENT AGENCIES

13 APPALACHIAN REGIONAL COMMISSION

14 For expenses necessary to carry out the programs au-
15 thorized by the Appalachian Regional Development Act of
16 1965, as amended, notwithstanding section 405 of said
17 Act, for necessary expenses for the Federal Co-Chairman
18 and the alternate on the Appalachian Regional Commis-
19 sion, for payment of the Federal share of the administra-
20 tive expenses of the Commission, including services as au-
21 thorized by 5 U.S.C. 3109, and hire of passenger motor
22 vehicles, \$65,900,000, to remain available until expended.

1 DEFENSE NUCLEAR FACILITIES SAFETY
2 BOARD
3 SALARIES AND EXPENSES

4 For necessary expenses of the Defense Nuclear Fa-
5 cilities Safety Board in carrying out activities authorized
6 by the Atomic Energy Act of 1954, as amended by Public
7 Law 100–456, section 1441, \$16,500,000, to remain
8 available until expended.

9 NUCLEAR REGULATORY COMMISSION
10 SALARIES AND EXPENSES

11 For necessary expenses of the Commission in carry-
12 ing out the purposes of the Energy Reorganization Act
13 of 1974, as amended, and the Atomic Energy Act of 1954,
14 as amended, including official representation expenses
15 (not to exceed \$5,000); \$462,700,000, to remain available
16 until expended: *Provided*, That of the amount appro-
17 priated herein, \$14,800,000 shall be derived from the Nu-
18 clear Waste Fund: *Provided further*, That revenues from
19 licensing fees, inspection services, and other services and
20 collections estimated at \$444,700,000 in fiscal year 1999
21 shall be retained and used for necessary salaries and ex-
22 penses in this account, notwithstanding 31 U.S.C. 3302,
23 and shall remain available until expended: *Provided fur-*
24 *ther*, That \$3,200,000 of the funds herein appropriated
25 for regulatory reviews and other assistance provided to the

1 Department of Energy and other Federal agencies shall
 2 be excluded from license fee revenues, notwithstanding 42
 3 U.S.C. 2214: *Provided further*, That the sum herein ap-
 4 propriated shall be reduced by the amount of revenues re-
 5 ceived during fiscal year 1999 so as to result in a final
 6 fiscal year 1999 appropriation estimated at not more than
 7 \$18,000,000.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
 10 General in carrying out the provisions of the Inspector
 11 General Act of 1978, as amended, \$4,800,000, to remain
 12 available until expended: *Provided*, That the sum herein
 13 appropriated shall be reduced by the amount of revenues
 14 received during fiscal year 1999 so as to result in a final
 15 fiscal year 1999 appropriation estimated at not more than
 16 \$0.

17 NUCLEAR WASTE TECHNICAL REVIEW BOARD

18 SALARIES AND EXPENSES

19 For necessary expenses of the Nuclear Waste Tech-
 20 nical Review Board, as authorized by Public Law 100-
 21 203, section 5051, \$2,600,000, to be derived from the Nu-
 22 clear Waste Fund, and to remain available until expended.

23 TITLE V—GENERAL PROVISIONS

24 SEC. 501. None of the funds appropriated by this Act
 25 may be used in any way, directly or indirectly, to influence

1 congressional action on any legislation or appropriation
2 matters pending before Congress, other than to commu-
3 nicate to Members of Congress as described in section
4 1913 of title 18, United States Code.

5 SEC. 502. (a) PURCHASE OF AMERICAN-MADE
6 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
7 gress that, to the greatest extent practicable, all equip-
8 ment and products purchased with funds made available
9 in this Act should be American-made.

10 (b) NOTICE REQUIREMENT.—In providing financial
11 assistance to, or entering into any contract with, any en-
12 tity using funds made available in this Act, the head of
13 each Federal agency, to the greatest extent practicable,
14 shall provide to such entity a notice describing the state-
15 ment made in subsection (a) by the Congress.

16 (c) PROHIBITION OF CONTRACTS WITH PERSONS
17 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
18 If it has been finally determined by a court or Federal
19 agency that any person intentionally affixed a label bear-
20 ing a “Made in America” inscription, or any inscription
21 with the same meaning, to any product sold in or shipped
22 to the United States that is not made in the United
23 States, the person shall be ineligible to receive any con-
24 tract or subcontract made with funds made available in
25 this Act, pursuant to the debarment, suspension, and ineli-

1 gibility procedures described in sections 9.400 through
2 9.409 of title 48, Code of Federal Regulations.

3 SEC. 503. (a) None of the funds appropriated or oth-
4 erwise made available by this Act may be used to deter-
5 mine the final point of discharge for the interceptor drain
6 for the San Luis Unit until development by the Secretary
7 of the Interior and the State of California of a plan, which
8 shall conform to the water quality standards of the State
9 of California as approved by the Administrator of the En-
10 vironmental Protection Agency, to minimize any detrimen-
11 tal effect of the San Luis drainage waters.

12 (b) The costs of the Kesterson Reservoir Cleanup
13 Program and the costs of the San Joaquin Valley Drain-
14 age Program shall be classified by the Secretary of the
15 Interior as reimbursable or nonreimbursable and collected
16 until fully repaid pursuant to the “Cleanup Program—
17 Alternative Repayment Plan” and the “SJVDP—Alter-
18 native Repayment Plan” described in the report entitled
19 “Repayment Report, Kesterson Reservoir Cleanup Pro-
20 gram and San Joaquin Valley Drainage Program, Feb-
21 ruary 1995”, prepared by the Department of the Interior,
22 Bureau of Reclamation. Any future obligations of funds
23 by the United States relating to, or providing for, drainage
24 service or drainage studies for the San Luis Unit shall
25 be fully reimbursable by San Luis Unit beneficiaries of

1 such service or studies pursuant to Federal Reclamation
2 law.

3 SEC. 504. None of the funds made available in this
4 or any other Act may be used to restart the High Flux
5 Beam Reactor.

6 SEC. 505. Section 6101(a)(3) of the Omnibus Budget
7 Reconciliation Act of 1990, as amended, (42 U.S.C.
8 2214(a)(3)) is amended by striking “September 30, 1998”
9 and inserting “September 30, 1999”.

10 SEC. 506. (a) Funds appropriated for “Nuclear Reg-
11 ulatory Commission—Salaries and Expenses” shall be
12 available to the Commission for the following additional
13 purposes:

14 (1) Employment of aliens.

15 (2) Services authorized by section 3109 of title
16 5, United States Code.

17 (3) Publication and dissemination of atomic in-
18 formation.

19 (4) Purchase, repair, and cleaning of uniforms.

20 (5) Reimbursements to the General Services
21 Administration for security guard services.

22 (6) Hire of passenger motor vehicles and air-
23 craft.

24 (7) Transfers of funds to other agencies of the
25 Federal Government for the performance of the

1 work for which such funds are appropriated, and
2 such transferred funds may be merged with the ap-
3 propriations to which they are transferred.

4 (8) Transfers to the Office of Inspector General
5 of the Commission, not to exceed an additional
6 amount equal to 5 percent of the amount otherwise
7 appropriated to the Office for the fiscal year. Notice
8 of such transfers shall be submitted to the Commit-
9 tees on Appropriations.

10 (b) Funds appropriated for “Nuclear Regulatory
11 Commission—Office of Inspector General” shall be avail-
12 able to the Office for the additional purposes described
13 in paragraphs (2) and (7) of subsection (a).

14 (c) Moneys received by the Commission for the coop-
15 erative nuclear research program, services rendered to
16 State governments, foreign governments, and inter-
17 national organizations, and the material and information
18 access authorization programs, including criminal history
19 checks under section 149 of the Atomic Energy Act of
20 1954 (42 U.S.C. 2169) may be retained and used for sala-
21 ries and expenses associated with those activities, notwith-
22 standing 31 U.S.C. 3302, and shall remain available until
23 expended.

24 (d) This section shall apply to fiscal year 1999 and
25 each succeeding fiscal year.

1 SEC. 507. Sec. 505 of Public Law 102–377, the Fis-
2 cal Year 1993 Energy and Water Development Appropria-
3 tions Act, and section 208 of Public Law 99–349, the Ur-
4 gent Supplemental Appropriations Act, 1986, are re-
5 pealed.

6 IMPLEMENTATION OF EXTERNAL REGULATION

7 SEC. 508. (a) TRANSFER OF AUTHORITY.—Notwith-
8 standing any other provision of law, no later than March
9 31, 1999, the Department of Energy shall not implement
10 and enforce its own regulatory system, through rules, reg-
11 ulations, orders, or standards, with regard to the Ernest
12 Orlando Lawrence Berkeley National Laboratory for envi-
13 ronment, safety, and health, but shall be regulated by the
14 appropriate Federal, State, and local agencies as provided
15 by the applicable Federal, State, and local laws and regu-
16 lations: *Provided*, That for this facility, the Department
17 shall be deemed to be a “person” under the Atomic En-
18 ergy Act of 1954, as amended.

19 (b) DEPARTMENT OF ENERGY REPORTING REQUIRE-
20 MENT.—By October 31, 1998, the Secretary of Energy
21 shall transmit to the Congress a plan for termination of
22 its authority to regulate its contractors and to self-regu-
23 late its own operations in the areas of environment, safety,
24 and health at the facility named in section (a). The report
25 shall include—

1 (1) A detailed transition plan, giving the sched-
2 ule for termination of self-regulation authority as
3 outlined in section (a), including the activities to be
4 coordinated with the Nuclear Regulatory Commis-
5 sion (NRC) and the Occupational Safety and Health
6 Administration (OSHA);

7 (2) A description of any issues remaining to be
8 resolved with the NRC and OSHA or other external
9 regulators, and a timetable for resolving such issues
10 before March 31, 1999; and

11 (3) An estimate of the current annual cost of
12 administering and implementing self-regulation of
13 environment, safety, and health activities at all De-
14 partment of Energy facilities, and an estimate of the
15 number of Federal and contractor employees cur-
16 rently administering and implementing self-regula-
17 tion of environment, safety and health activities at
18 each of the facilities. For the Lawrence Berkeley
19 National Laboratory, there should also be an esti-
20 mate of the cost of the external regulators based on
21 the pilot project of simulated NRC regulation which
22 has already been conducted; an estimate of the cost
23 and number of Federal and contractor employees
24 currently administering and implementing self-regu-
25 lation of environment, safety and health activities at

1 the Laboratory; and an estimate of the extent and
2 schedule by which the Department and Laboratory
3 staffs will be reduced as a result of implementation
4 of section (a).

5 (c) NUCLEAR REGULATORY COMMISSION REPORTING
6 REQUIREMENT.—By January 30, 1999, the Chairman of
7 the Nuclear Regulatory Commission shall submit to Con-
8 gress a plan for regulating accelerator-produced radio-
9 active material, and ionizing radiation generating ma-
10 chines at Department of Energy facilities. The report
11 shall:

12 (1) Recommend what statutory changes, if any,
13 would be needed to provide the Commission with the
14 authority to regulate accelerator use at Department
15 of Energy facilities;

16 (2) Identify what additional Commission re-
17 sources would be needed to accomplish such regula-
18 tion; and

19 (3) Identify any existing technical or regulatory
20 obstacles to the Commission regulation of accelera-
21 tor use.

1 This Act may be cited as the “Energy and Water De-
2 velopment Appropriations Act, 1999”.

Passed the House of Representatives June 22, 1998.

Attest:

Clerk.